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Insulin Management System

Fax Cover Sheet

Confidential

To: Commissioner for Patens

From: R. Anthony Diehl

Company: USPTO

Pages: 8

Fax: 571-273-8300

Date:

1/30/2006

Telephone:

CC:

Re:

U.S. App. Ser. No. 10/681688; Atty. Dckt. No. INSL-0118CN

Comment:

Attached is:

Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181 (3 pages) with attachments: (a) Copy of Fee(s) Transmittal Form submission dated October 20, 2005 (3 pages); and (b) Copy of Auto-Reply Facsimile Transmission showing receipt by the USPTO of the Fee(s) Transmittal Form on October 20, 2005.

Insulet Corporation

JAN 3 0 2006

Dkt: INSL-0118CN

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111 Serial Number: 10/681,688 Filing Date: October 8, 2003 Title: Flow Conditions Sensor Assembly for Patient Infusion Device

S/N 10/681.688

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

J. Christopher Flaherty

Examiner:

Serial No.:

10/681,688

Group Art Unit:

October 8, 2003

Docket No.: INSL-0118CN

Filed: Title:

Flow Conditions Sensor Assembly for Patient Infusion Device

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR § 1.181

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

This Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181 is being submitted within 2 months of the November 29, 2005 Notice of Abandonment-considering that January 29, 2005, was a Sunday.

Applicant received a Notice of Allowance and Fee(s) Due dated July 20, 2005. The Notice of Allowance and Fee(s) Due indicated that the Issue Fee of \$700 and the Publication Fee of \$300, totaling \$1000, were due by October 20, 2005.

On October 20, 2005, counsel for applicant submitted a completed and signed Fee(s) Transmittal (form PTOL-85). On the completed Fee(s) Transmittal, counsel for applicant checked the "issue fee" and "publication fee" boxes of section 4(a). Also, counsel for applicant checked the box in 4(b) authorizing the Director to charge deposit account no. 503188 all of the required fees. Counsel for applicant enclosed an extra copy of the Fee(s) Transmittal form as instructed on the form. Counsel for applicant signed and dated the Fee(s) Transmittal form in the proper section. Sufficient funds were and are present in applicant's deposit account no. 503188. Counsel for applicant also completed and signed the Certificate of Mailing or Transmission on the Fee(s) Transmittal form certifying that the form was being transmitted to the USPTO on

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 10/681,688 Filing Date: October 8, 2003

Title: Flow Conditions Sensor Assembly for Patient Infusion Device

Page 2 Dkt: INSL-0118CN

October 20, 2005. Thereafter, on October 20, 2005, counsel for applicant sent the completed Fee(s) Transmittal form in duplicate with a fax cover page to the USPTO by facsimile. A copy of the complete 3 page facsimile transmission showing the fee payment authorizations, signature, date and signed and dated certificate of transmission is attached.

Also on October 20, 2005, counsel for applicant received confirmation from the USPTO that the 3 page fax transmission including the Fee(s) Transmittal form was received. A copy of the Auto-Reply Facsimile Transmission is attached.

On November 29, 2005, the USPTO mailed a Notice of Abandonment indicating that the application is abandoned in view of applicant's failure to timely pay the required issue fee and publication fee within the 3-month statutory period from the mailing date of the Notice of Allowance. The USPTO indicated that the submitted fee of \$0 is insufficient and that a balance of \$1000 is due.

Applicant submits that the Notice of Abandonment was issued in error. As set forth above, applicant paid the issue and publication fees within the 3-month statutory period. With this petition, applicant submits sufficient evidence that the issue and publication fees were paid in full by the October 20, 2005 deadline. In view of the foregoing, applicant submits that the above-referenced application was not abandoned and respectfully requests that the holding of abandonment be withdrawn.

R. Anthony Diehl

Name

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111 Page 3 Dkt: INSL-0118CN Serial Number: 10/681,688 Filing Date: October 8, 2003 Title: Flow Conditions Sensor Assembly for Patient Infusion Device If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 503188. Respectfully submitted Date January 30, 2006 Ву R. Anthony Diehl Reg. No. 38,432 **Insulet Corporation** 9 Oak Park Drive Bedford, MA 01730 781.457.4717 CERTIFICATE UNDER 37 CFR 1.8; The undersigned hereby certifies that this correspondence is being facsimile transmitted to the USPTO 571-273-8300 on Monday, January 30, 2006.

Signature



Insulin Management System

Insulet Corporation 9 Oak Park Drive Bedford, MA 01730 Tel: 781-457-5000 Fax: 781-457-5014 www.MyOmniPod.com

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To:

ISSUE FEE

From: R. Anthony Diehl

Company:

US PTO

Pages: 3

Fax:

571-273-2885

Date: 10/20/2005

Telephone:

CC:

Re

U.S. App. Ser. No. 10/681,688; Conf. No. 7709; Atty. Dckt. No. INSL-0118CN

Comment: Issue Fee and Publication Fee Transmittal (duplicate)

Insulet Corporation

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Complete and send this form, together with applicable fee(s), to: Mail Stop ISSUE FEE Commissioner for Patents										
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9 Oak Park Drive Bedford, MA 0173	0			I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being factimile transmitted to the USPTO (571) 273-2883, on the date indicated below.						
				R. Anthony Diehl (Depositor's mond)						
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				10/20/	∠ 30√	(Deta)				
APPLICATION NO.	FILING DATE	First na	MED INVEN	TOR .	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/681,688	10/08/2003	J. Christ	opher Flahe	rty	59249-0159 (INSL-118CN)	7709				
TITLE OF INVENTION: FI	OW CONDITION SENSO	RASSEMBLY FOR PATIE	NT INFUSI	ON DEVICE	(11132-11004)					
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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)										
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Authorized Signature	RICELL,			Date/	0/20/2005					
Typed or printed name	R. Anthony	Dickl		Registration	No. 38, 432					
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APPLICATION NO.	FILING DATE	Perst	NAMED INVEN	TOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/681,688	10/08/2003		hristopher Flahe		59249:0159 (INSL-118CN)	7709		
TITLE OF INVENTION: FL	OM CONDITION SENSO	r assembly for Pa	.11BN1.1WLO2:	ON DRAICE				
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The Director of the USPTO is NOTE: The Issue Fee and Pub interest as shown by the record								
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